Oregon International Port of Coos Bay

A League of Women Voters of Coos County
Study Update

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EXECUTIVE SUMMARY

This report summarizes a 2-year effort by volunteer members of the League of Women Voters of Coos County (LWVCC) to evaluate the LWVCC position regarding the Port of Coos Bay and provide updated study information for members to review. The LWV has conducted studies of the Port of Coos Bay since the early 1960s with previous updates provided at approximately 20-year intervals: 1962; 1981; and 2000.

The study team evaluated multiple resources available online and in print regarding the history of the Port and the state, federal and local laws, regulations and policies regarding the Port. The team also detailed activities that have occurred since the 2000 report. We used planning documents and strategic principles identified by the Port as a way to highlight and organize the updates. The major topics include: (1) investments in marine and rail infrastructure relative to regional intermodal transportation systems; (2) industrial and marine industrial property development around the Coos Bay; (3) commercial fishing and recreational tourism facilities in the village of Charleston; (4) collaborations with the private and public sectors; and (5) integrating responsible environmental stewardship into all planning and business decision-making.

This report provides a summary and review of major findings organized into several chapters . The final chapter of the document provides the revised Position and Goals approved by members at their May 2023 annual meeting. This document is available for League members and the public.

INTRODUCTION

History of Development and Key Transitions of the Port of Coos Bay

Early Port Development

The natural resource based economic development of Coos Bay by white settlers has been linked to connections via sea. The establishment of Empire City in 1853 was focused on coal trade. A comprehensive history of the first century of Port development was provided by George Baxter Case.[i] He reports that by 1860 the Coos Bay mines shipped 3,145 tons of coal to San Francisco. The timber industry was similarly focused on export and shipbuilding, and by 1856 steam sawmills in Empire City and North Bend were capable of sawing 15,000 board feet of lumber a day. Between 1871 and 1878 an average of 15 vessels a month called at Coos Bay. Inclement weather in the region affected sea commerce and the viability of the economy of this remote community.

Federal Support for Port and River Development and the Rivers & Harbors Act of 1899

From the late 1800s financial support from the federal government was used to create and maintain seaports. Early investments by the federal government included lighthouses, buoys and sea mapping, and naturally expanded to development of "Harbors of Refuge." The first federal improvements in Coos Bay are documented to have occurred in 1879 with construction of a jetty inside the bay.[ii] After years of experimental work in Coos Bay to improve shipping channels, Congress appropriated $125,000 in 1890 to enable construction of the North Spit Jetty. Additional funding by congress of $210,000 for continuing construction was provided in 1892. In 1899 the Rivers and Harbors Act provided Ports the opportunity for regular federal engagement in improvements to navigable waters. By the 1890s dredging of channels within Coos Bay began and in the early 1900s dredging began to be more extensive throughout the bay. By June 1911, the channel was 200 feet wide and 17 feet deep.

A formal port governing body with taxing authority was established in 1908, and legislation was enacted in 1909 and signed by the governor to allow ports to organize as municipal bodies and tax lands. By 1920, the Port of Coos Bay had spent more than $600,000 for channel dredging and was in the process of selling bonds to pay for the planned terminal wharf and a hydraulic suction dredge at a cost of $250,000.

The Transition from Port of Coos Bay to the Oregon International Port of Coos Bay

1985 saw the Port of Coos Bay very much in debt, as confirmed by an Oregon ports study showing the Port had $3.55 in debt for every dollar of assets.[iii]

The Port had been unable to make several payments by March 1987.[iv] So the Port applied to the Oregon Economic Development Commission for greater emergency bond authority to be able to pay on its four state loans. Up until this point Port District voters elected Commission members, whereas in Portland, the Governor appointed

the members of the Port of Portland. This led some residents to think Portland was therefore a “State Port.” That was not so, but the Coos Bay Port Commissioners took the view that because of its close connection with the Governor, it must be a state agency and would get state assistance, which was not the case under law.[v]

In 1987, Oregon House member and former Port Commissioner Jim Whitty, Commissioner John Whitty, Port Manager Frank Martin and Oregon State Senator Bill Bradbury promoted the “State Port” idea. It was said that passing such legislation was crucial to the progress of the Port and Coos Bay area. Sen. Bradbury introduced the bill (SB 962), which also had a provision requiring voter approval by the Port of Coos Bay electorate, before final enactment.[vi] When the bill came to a vote it had the following provisions:

1. The Port’s name would be officially changed to “Oregon International Port of Coos Bay.”
2. The Governor would appoint seven Commissioners, five residents of the Coos Bay area and two who could be from other parts of the state. These two would remain for four years and then be dropped from the Commission by 1991, leaving the number at five, where it currently stands.
3. The Governor would determine the Commission President.
4. The Port’s bonding authority limit was raised from $100,000 to $500,000 and the total for a given year was raised to a total outstanding bond debt of $1.5 million.
5. The Port would have the authority to annex parts of Coos County into the port district.
6. After legislative approval SB 962 would be presented to the district’s voters for approval and take effect on Jan. 1, 1988.[vii]

Voters expected there would be money forthcoming for Port operations and projects from that bill, but that was explicitly denied in discussions among legislators during deliberations on the bill. Numerous legislators sought assurances that the bill bore no financial commitments by the State to the Port. Conflicting testimony was given by several supporters of the bill, which further raised skepticism among legislators.[viii]

Though there was no explicit wording promising financial support for the Port in SB 962, skepticism among legislators remained through its passage in June 1987. Rep. Eachus said, “the only satisfactory part of the bill was that the people of the district vote on this decision.”[ix] But the editor of *The World* newspaper cheered the Port’s legislative and promotional efforts, which he said, “would allow tapping a resource we believe has been under-utilized for years” and that the effort had “one goal: jobs.”[x]

Hopes of more state funding for the Port were further raised when Port Commissioner Joe Jacovac spoke to the Coos Bay Shipping Club: “I don’t think (Governor) Goldschmidt wants that authority without understanding that there is an obligation that comes along with it. I think this measure was approved by the state legislature with the idea we would get a lot more state support. He realizes he has an obligation.”[xi]

SB 962 was given final approval in June 1987 but required approval of the Port's voters to take effect. Supporters, including Port officials, urged a "yes" vote to accept the opportunity, before it was lost, for more state help and for jobs. Opponents urged voters to retain their right to vote for Commissioners and to recall them and argued that citizens would have to conduct a statewide campaign to reverse the new governing law established by SB 962. The Port and supporters mounted a well-funded campaign for a "yes" vote. In September 1987 voters approved the measure 7,487 to 2,985.

Frank Martin, then Port General Manager, promoted new initiatives including the pursuit of industrial development on the North Spit. Few jobs, however, resulted from his tenure and he left in 1988 for a job as Executive Director of the Ports of Indiana. Paul Vogel was then appointed to succeed Martin. John Stephens (then CEO of Roseburg Lumber Co.) was appointed Commission President under the new governance of the Port. Several years later Stephens said, in a deposition to the Federal District Court for Oregon, "when the Governor appointed Commission took over, the finances of the port were a shambles. There were general obligation bond projects all the way back to 1980 there was apparently no one person responsible for operations."[xii]

Port Managers 2000–2023

Allan Rumbaugh, Port Manager, was forced to resign in November 2003. Port Commissioners had been at odds over whether to build a $30 million to $60 million marine terminal. In December 2003 Governor Kulongoski replaced the entire Port Commission.[xiii] Jeffrey Bishop was hired as general manager in November 2004 on a two-year contract with an initial salary of $100,000 per year. Bishop had prior experience with container ship operations at the port of Tacoma.[xiv] He resigned in November 2011 to take a position as city manager of Blanchard, Oklahoma. Bishop's departing salary is listed at $151,250.[xv] David Koch was promoted to Executive Director June 2012 from former role as CFO; he stepped down in November 2015. His departing salary is listed as $175,000.[xvi] John Burns was appointed as the Port's Chief Executive Officer in January 2016 at a starting salary of $178,848. His 2021 salary was $260,651. In 2022 he received an 8.1% Cost of Living Adjustment increase retroactive to January 1, 2022.

Oregon State Port Authority and Business Development Mandates and Provisions Addressing Port Development Funds.

Four sections of law provide authority for ports in Oregon: ORS Chapter 777 provides the general powers and provisions for ports. ORS Chapter 778 is specific for the Port of Portland. Opportunity for economic development is provided in ORS 285A, and specifics regarding the Business Development Department are provided in OAR chapter 123.

Business Oregon is the state's economic development agency. The Business Oregon Commission oversees the agency's activities to ensure a coherent, integrated approach to economic development and a continuous policy direction that can transcend changes in executive and legislative leadership. Business Oregon administers more than 80 grants, loans, tax incentives, and other programs to further the development of businesses, communities, and economies in Oregon. Business

Oregon supports Port economic development with technical assistance, intergovernmental coordination and responsible investment.

The Marine Navigation Improvement Fund (ORS 777.267) is established in the State Treasury, separate and distinct from General Fund monies. Interest earned by the Marine Navigation Improvement Fund is added to the fund. The fund and interest earnings are continuously appropriated to the Oregon Business Development Department for the Oregon Infrastructure Finance Authority. Ports are provided support under the Infrastructure and Lands Programs and the Oregon Port Revolving Fund. Oregon state law recognizes the important role of ports in economic development. The Oregon Port Revolving Fund provides loan funding to assist ports in the planning and construction of facilities and infrastructure. Eligible expenses include pre-project planning, engineering, acquisition, improvement, rehabilitation, construction, operation and maintenance. The project must be referenced in the Port's strategic business plan. Oregon Ports may finance a total of $3 million from the Fund. The interest rate on repayment is set by Business Oregon at market rates, but not less than United States Treasury Notes of a similar term minus one percent. The loan term may not exceed the useful life of the contracted project or 25 years from the year of project completion, whichever is less. Repayment begins no later than one year after the date of the loan contract. If the loan is provided for a flexible manufacturing space project, Business Oregon may determine that no interest shall accrue until the building is at least 25 percent occupied, or until three years after the date of the loan contract, whichever is earlier. Grant applications to develop or update strategic business plans are given highest priority. Ports must have a current strategic business plan to be eligible for funding for other planning and marketing projects.

Ports are required under state law to review and update their strategic business plans every 10 years.[xvii] The state has a strategic plan for ports that is dated April 2010, written by Parsons Brinckerhoff.[xviii] The Port of Coos Bay completed its last Strategic Business Plan in 2015. It was developed to articulate the planning, facility and capital improvement needs of the Port over a 20-year planning horizon. The plan complies with the strategic business plan requirements of Business Oregon and was designed to be a flexible document that guides the Port Commission in setting priorities and policies.

The plan highlights the Port’s 2012 Strategic Planning Guiding Principles: (1) invest in marine and rail infrastructure to strengthen the regional intermodal transportation system; (2) develop appropriate industrial and marine industrial properties around the Coos Bay harbor to diversify marine and rail commodity movements; (3) expand commercial fishing and recreational tourism facilities in the village of Charleston; (4) collaborate with the private and public sectors to maximize the functionality of the Port’s core business lines; (5) promote responsible environmental stewardship by integrating environmental considerations into all strategic planning and business decision-making.

Foreign Trade Zone Designation

The Port of Coos Bay is the grantee for Foreign Trade Zone No. 132. There are only two designated FTZs in the State of Oregon; No. 132 in Coos County and No. 45 in Portland. Foreign Trade Zones (FTZ) are intended to expedite and encourage foreign commerce, stimulating economic development in the United States. They are areas (Fig. 1) that have been approved by the U.S. Customs and Border Protection (CBP) as being outside U.S. territory for purposes of duty collection. The FTZ sites and facilities remain within the jurisdiction of local, state and federal governments or agencies.

Fig. 1. Location of Foreign Trade Zones approved by US Customs and Border Protection.

The areas surrounding the Port can also be considered for special consideration within Enterprise Zones created as a tool for economic development. Businesses located in enterprise Zones can be exempted from local property taxes on new investments for a specified amount of time. The length of time varies among the different types of zone programs, but the most commonly utilized is between 3 and 5 years.

Federal and State Regulatory Rules, Especially Regarding USACE, Coastal Zone Management Act, Estuary Management Plans (DLCD), DSL and Other Authorities that Manage Wetlands and Waterways Including DEQ/EPA.

Federal Regulatory Authority

The Rivers and Harbors Act of 1899 (RHA) was enacted as "An Act Making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," on March 3, 1899. This remains as a foundation of federal authority for regulatory permit programs to protect navigable waters in the development of harbors. It provides that the construction of any structure in, or over, any navigable water of the United States, or the accomplishment of any other work affecting the course, location, condition or physical capacity of such waters is unlawful unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army. The Secretary's approval authority has since been delegated to the Chief of Engineers. Activities requiring these Section 10 permits include structures (e.g., piers, wharfs, breakwaters, bulkheads, jetties, weirs, transmission lines) and work such as dredging or disposal of dredged material, or excavation, filling, or other modifications to the navigable waters of the United States. While "navigable waters" is generally defined under regulations to extend seaward to the 3 nautical mile limit of the old territorial sea, Section 10 may apply seaward to the outer limits of the continental shelf.

The final rule of the U.S. Department of the Army and U.S. EPA ("the agencies") establishes a clear and reasonable definition of "waters of the United States" and reduces the uncertainty caused by constantly changing regulatory definitions that have harmed communities and our nation's waters. The agencies have recently developed the 2023 Rule with consideration of the relevant provisions of the Clean Water Act and the statute as a whole, relevant Supreme Court case law, and the agencies' technical expertise after more than 45 years of implementing the longstanding pre-2015 "waters of the United States" framework. The 2023 Rule also considers the best available science and extensive public comment to establish a definition of "waters of the United States" that supports public health, environmental protection, agricultural activity and economic growth. The Clean Water Act Sections 404 and 408 are part of the current U.S. Army Corps of Engineers process. Section 404 of the Clean Water Act (CWA) establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g., certain farming and forestry activities).

Proposed activities are regulated through a permit review process. An individual permit is required for potentially significant impacts. Individual permits are reviewed

by the U.S. Army Corps of Engineers (USACE) or an approved State/Tribal 404(g) Program which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) guidelines and regulations promulgated by EPA.

The USACE Section 408 policy, contained in the document Engineer Circular (EC) 1165-2-220, effective starting September 10, 2018, sets forth the process and criteria USACE uses to review requests to alter USACE Civil Works projects. For example, communities may want to alter existing USACE projects to increase recreational opportunities or improve flood risk management. Section 408 also applies if a business or utility company seeks to run power lines or pipelines over or through a USACE project. The purpose of a Section 408 review is to ensure that the congressionally authorized benefits of a USACE project are not undermined by an alteration made by others, and to ensure the alteration is not injurious to the public interest (e.g., flood risk management, coastal storm damage reduction, navigation).

The National Coastal Zone Management Program authorized by NOAA comprehensively addresses the nation’s coastal issues through a voluntary partnership between the federal government and coastal and Great Lakes states and territories. Authorized by the Coastal Zone Management Act of 1972, the program provides the basis for protecting, restoring and responsibly developing our nation’s diverse coastal communities and resources.

While the legislation includes basic requirements for state partners, it also allows the flexibility needed to design programs that best address local challenges and work within state and local laws and regulations. By using both federal and state funds, the program strengthens the capabilities of each partner to address coastal issues. A wide range of issues are addressed through the program, including coastal development, water quality, public access, habitat protection, energy facility siting, ocean governance and planning, coastal hazards, and climate change.

The primary components include a need for federal actions to have consistency with the enforceable policies of a state’s approved coastal management program. This also applies to federally authorized and funded nonfederal actions. The Coastal Zone Enhancement Program provides incentives to states to enhance their state programs within nine key areas: wetlands, coastal hazards, public access, marine debris, cumulative and secondary impacts, special area management planning, ocean and Great Lakes resources, energy and government facility siting, and aquaculture. The program must also ensure that participating states have the necessary tools to prevent and control polluted runoff.

State Regulatory Authority

The Oregon Coastal Management Program (OCMP) was approved by the National Oceanic and Atmospheric Administration (NOAA) in 1977. The OCMP is the state of Oregon's implementation of the national program. The program covers the Oregon coastal zone. This watershed-based coastal zone was first articulated in 1971 by the Oregon Legislature. Within this zone, the OCMP applies to both land and water areas, except on lands owned by the federal government or held in trust under Indian tribal jurisdiction.

Oregon's statewide land use goals are achieved through local comprehensive plans. State law requires each city and county to have a plan, along with zoning and land-division ordinances that put the plan into effect (ORS 197.175). The aim of Oregon Statewide Planning Goal 16 is to protect the long-term values, diversity, and benefits of estuaries and associated wetlands. At the same time, the goal directs local governments to provide for appropriate restoration and development of these resources. The goal relies on a classification system that specifies the level of development allowed in each estuary. All local governments with authority over an estuary must prepare and adopt a management plan and land use regulations according to four classifications:

- Deep-draft development for estuaries with maintained jetties and channels more than 22 feet deep.
- Shallow-draft development for estuaries with maintained jetties and channels up to 22 feet deep.
- Conservation for estuaries without a maintained jetty or channel within or adjacent to an urban area with altered shorelines.
- Natural for estuaries without a maintained jetty or channel not adjacent to an urban area and with little development.

Three of Oregon's 22 major estuaries are classified as deep-draft development estuaries; this includes Coos Bay. Eight are classified as shallow-draft development, six conservation, and five are natural estuaries. Seventeen other estuaries are considered minor estuaries and are classified as natural or conservation. In Oregon, a detailed coastal management plan was drafted in 2007.[xix]

The Oregon Department of State Lands (DSL) has authority to manage water and wetland resources through the state's removal-fill permit program. Oregon's Removal-Fill Law (ORS 196.795-990) is the primary state law, enacted in 1967, that authorizes the regulation of activities within waters and wetlands. In general, the law covers activities such as removal, fill and other ground-altering activities within "waters of the state" and requires people who plan such activities to obtain a permit from DSL. The state's goal is to maintain a stable resource base through avoidance and minimization of adverse impacts and by compensating for unavoidable impacts. Unavoidable impacts are required to be compensated for through compensatory mitigation. In addition to the removal-fill law, wetland conservation oversight was established by statute in 1989 through a comprehensive bill (ORS 196.668 and 196.672) that stressed the importance of wetlands.

Business Enterprises: History of Milestones, Developments and Activities Preceding 2000 through Spring of 2023

Overview of Decadal Trends in Coos County

Over the past 40 years Coos County experienced a massive timber industry decline, common across the West and beyond, bringing with it major economic and employment disruptions. Technological innovations, forest resource depletion, changes in wood products import and export markets, and legislation and regulation protecting fisheries and wildlife were considerable influences in this decline. Still

remaining in the community is a desire for high-paying jobs and prosperity linked to the dominant presence of the forest industry in the region. However, the Coos Bay region has moved on, growing in new directions. Coos County officials saw the need to move away from such strong reliance on a declining timber industry for its identity and economic vitality, applying in 2009 for help from a Sustainable Design Assessment Team (SDAT) program of the American Institute of Architects (AIA). From 2009 through 2010 a multidisciplinary team worked with officials, community leaders, stakeholders, students and citizens to hear their concerns, and to prepare a report of their findings and recommendations to assist the Coos Bay region in recognizing a vision for a more sustainable future. The SDAT report states, "The challenge for Coos County is how to make a successful transition from extractive, non-sustainable industries to a sustainable use economy, in which decisions made today do not result in passing on a damaged environment and economy to future generations."[xx] The report encouraged an ongoing public process to measure progress on the recommendations—which did not formally continue. But progress on many recommendations has occurred, evolving organically in area communities, based on their individual and often unique qualities.

As the timber economy declined, a continual, robust growth in tourist and local spending associated with recreational pursuits accelerated. Travel Oregon, a state-commissioned and -funded compiler and analyst of travel and recreation data since 2003, has tracked that trend. In the ten-year period from 2007 to 2017 travel led all other classes of economic activity in earnings and employment growth statewide. Next in earnings and employment growth was agriculture and food production. Following in descending order for earnings growth were micro-electronics, software, other manufacturing, and forestry and wood products. These last four each saw negative employment growth over that same ten-year period.[xxi] Statewide, by 2017 travel was leading forestry and wood, and software in contributions to Oregon's GDP.[xxii] Research also showed that travel generated the greatest gains in employment in more rural counties of the state, where urban residents chose to travel to find preferred recreation opportunities.[xxiii] While population growth has been moderate, the quality-of-life characteristics that yearly draw so many travelers to the Coos Bay region have convinced many of these visitors to relocate or sometimes acquire a second home here. For 2019 (pre-Covid), the data showed that Coos County's economy for the year benefited from tourist and local spending on activities associated with recreational pursuits, which had grown to $1.27 billion dollars.[xxiv]

Some of that diverse wealth of recreational and leisure activities that the region offers include fishing, crabbing, clamming, whale watching, birding and other wildlife viewing. Cultural events feature music and arts festivals and countless other events celebrating the features of the outdoors. Museums such as the Coos Art Museum and the Coos Historical and Maritime Museum are focal points of interest in the towns, and historic theaters such as the Liberty and Egyptian have strong community support. Recreational assets include the Cape Arago scenic headlands, the North Spit's Dunes, Shore Acres State Park and Formal Gardens, South Slough National Estuarine Research Reserve, Bastendorff County Park, Charleston Marine Life Center, and the Coos County mountain bike trails system.

It is significant that of Oregon's 36 counties, the three counties having easily the highest earnings and employment numbers from direct visitor and local recreation spending are on the central and southern Oregon coast. Visitor and recreation spending in those rural, forested, coastal counties of Lincoln ($2.08 billion), Lane ($1.29 billion), and Coos ($1.27 billion)[xxv] was almost entirely centered on activities located within narrow north-south geographic strips of ocean and ocean shore, their associated estuaries and continuing inland only a few miles.

Port Involvement in Business Enterprises

The Port's 2015 strategic plan outlines the core business enterprises that have been undertaken in recent decades. These fall into several categories:

- Development of appropriate industrial and marine industrial properties around the Coos Bay harbor. Development has been proposed, and in some instances has been undertaken, below and above the rail and Hwy 101 bridges. Development that involves shipping is limited by the width or height of the railroad and McCullough bridges.
- Investment in rail infrastructure.
- Expansion of the federal navigation channel.
- Developments in commercial fishing and recreational tourism facilities in Charleston.

Industrial Properties around the Coos Bay Harbor & North Spit of Coos Bay

A series of developments, purchases and facilities have occurred on the North Spit of Coos Bay and the sequence of this development from before 2000 to the present is provided. Some developments prior to 2000 are included in this summary because they are relevant for present-day port activities.

The entire North Spit is in the zone vulnerable to a Cascadia subdunction zone tsunami (see orange and yellow zones on the map below). There is very little land outside the tsunami zone on the North Spit.

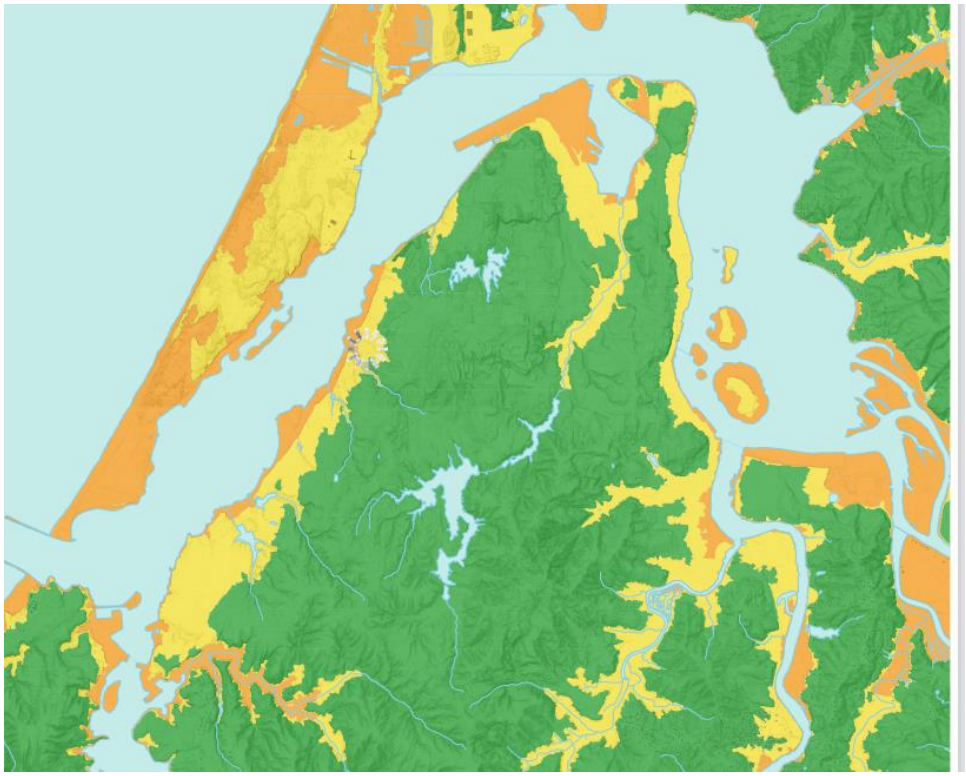

Fig. 2. Map of tsunami risks along Coos Bay. Green areas are outside the tsunami zone.

The first development on the North Spit occurred in 1961 when Menasha constructed a sulfite process pulp and paper mill near Jordan Cove. In 1981 Menasha sold the North Spit mill and property encompassing approximately 1,300 acres to the Weyerhaeuser Company, which continued operation of the linerboard mill.[xxvi]

Weyerhaeuser leased the property east of the mill area to a subsidiary for a salmon aquaculture facility. Following the closure of this facility, in 1985 the improvements were removed, leaving the property vacant and undeveloped. Following a national trend, Weyerhaeuser's liner board manufacturing operations ceased at the North Spit facility in 2003. The mill was demolished in 2005.

Project Phoenix—the Port's Acquisition of Land on the North Spit

In June 2005, the Port revealed "Project Phoenix," a plan to acquire all the industrial land on the North Spit. The Coos County Urban Renewal Agency agreed to help the Port to buy land and the Port submitted a $15 million loan application to the Oregon Economic and Community Development Department. At that time, the Port's land holdings on the North Spit totaled 85 acres in what they termed the North Bay Marine Industrial Park. Their intent was to purchase the 1,300 acres owned by Weyerhaeuser Corporation and another 481 acres managed by the U.S. Bureau of Land Management. Roseburg Forest Products continues to own 281 acres of the Spit for its wood chip exporting facility. Initial impetus for these purchases was a Japanese company considering Coos Bay, along with other potential sites in the United States and abroad, for a manufacturing plant. Though the Port released few details, it is suggested that a plant producing silicone would employ hundreds of workers and could be sited on the Port's 85 acres. The project did not materialize.[xxvii]

Despite the objective of acquiring North Spit industrial lands, the Port sold 32.88 acres of Port-owned land, and a barge slip built previously by the Port, to a private firm, Southport Forest Products, for $625,000. The firm moved to its current North Spit location in 2005 to construct a modern small-log sawmill and take advantage of Enterprise Zone property tax exemptions. The Port/Southport partnership was awarded $504,000 from Connect Oregon for the purchase and Southport provided the balance of the required funds. The Port also arranged for Southport to benefit from a $1.3 million federal grant from the Oregon Department of Commerce to build a rail spur connecting an existing rail line into Southport's mill.

DB Western, a chemical engineering company, has leased from the Port a 32-acre site with 1,600 linear feet of waterfront including the T-dock on the North Spit since 1992.

Negotiations between the Port and Weyerhaeuser regarding the purchase of Weyerhaeuser's 1,300-acre North Spit holdings began in 2005. Weyerhaeuser requested a sale price of $25 million cash. The Port signed a letter of intent on an option to buy the property. The Port's plan was to develop two berths on Weyerhaeuser's land. This was the first indication of the Jordan Cove Energy project (JCEP) as they would use one of the proposed berths to import liquefied natural gas.[xxviii]

In 2006 the Port purchased a 33-acre parcel on the North Spit from BLM for $350,000. In 2012 the Port acquired the Henderson Marsh parcel previously owned by Weyerhaeuser. In 2015 the Port acquired a 320-acre parcel including Weyerhaeuser's former wastewater treatment lagoon on the North Spit. Weyerhaeuser conveyed the lagoon site to the Port of Coos Bay after closure of a property sale between Weyerhaeuser and Jordan Cove Energy Project. According to a statement from the Port, no public Port funds were expended in the property acquisition, other than legal and title insurance fees. The Port currently owns the ocean outfall associated with the former industrial treatment lagoon.[xxix]

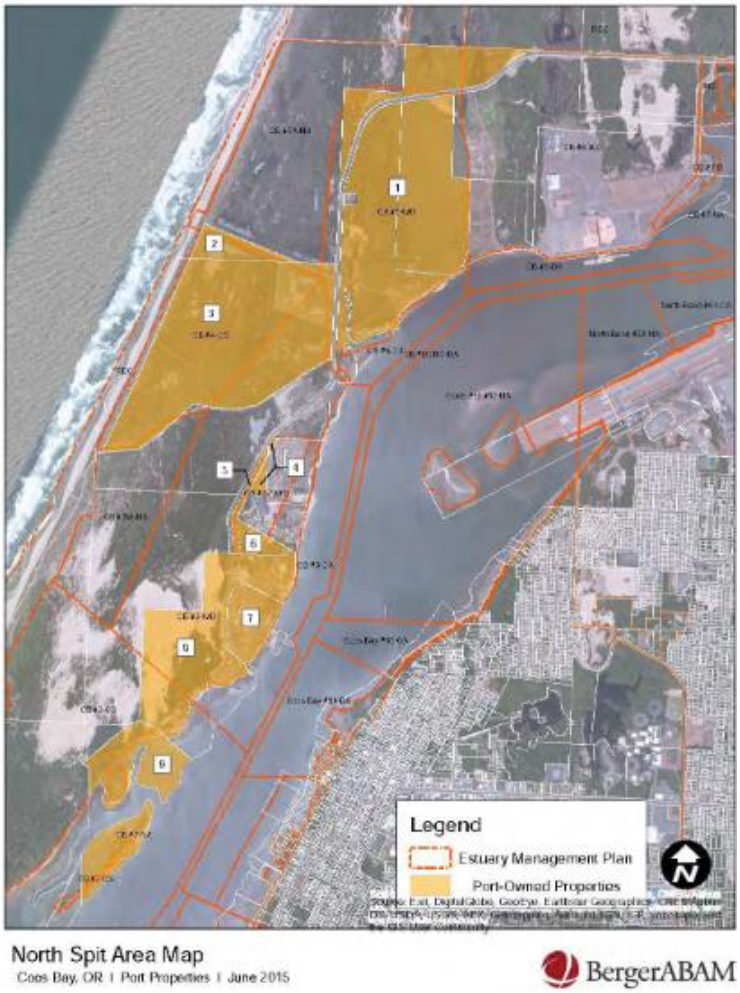

Figure 3. North Spit Properties

The Jordan Cove Energy Project

In December 2007, The Jordan Cove Energy Project (JCEP) applied for approval from the Federal Energy Regulatory Commission (FERC) for an LNG import terminal on the North Spit of Coos Bay. An environmental impact statement was issued in May 2009 and FERC approved the project. In November 2009, the Port Commissioners agreed to extend a three-way purchase option for 1,300 acres of Weyerhaeuser Co. land with Fort Chicago, based in Calgary, Alberta, which was planning the development of the JCEP natural gas terminal. Construction of the terminal was proposed to begin in spring 2011. The parties had twice previously extended the contract by a year, but Bob Braddock, JCEP's project manager, said developers needed more time.[xxx]

In December 2010, the Port renegotiated an extension to the North Spit property purchase options. Opting not to simply trigger an automatic six-month extension, the three parties agreed to rework the deal. The Port could choose to purchase all the property for the same $25 million agreed upon previously, or for a lesser price, any variation of the five segmented parcels. The Port negotiated for six months to purchase the property, with a one-year trigger extension if a decision was not made by then, extending the deal until June 30, 2012. A total of 147 acres of the land

would still be dedicated to JCEP, which paid quarterly fees to reserve this property.[xxxi]

In April 2012, FERC vacated the approval for the import terminal upon notification that JCEP would no longer be pursuing the facility. In December 2012 Fort Chicago Holdings II U.S. LLC ("Fort Chicago"), acting for JCEP, purchased the 147-acre property from Weyerhaeuser for $14,000,000.

In May 2013, Veresen, the company investing in JCEP, filed applications with FERC to construct and operate a liquefied natural gas export facility. FERC denied the project a permit in 2016 because Veresen had not demonstrated the need for the gas pipeline supplying the JCEP terminal and "that generalized allegations of need proffered … do not outweigh the potential for adverse impact on landowners and communities." In 2017 Veresen attempted to gauge shipper interest in the gas and reapplied for the FERC export permit, announcing that they had found interest from two companies. One, a consortium of Japanese utilities, failed to sign a contract, leaving only Jordan Cove LNG, a company owned by Veresen, to act as a buyer for the gas. Later that year the Canadian-based company Pembina purchased Veresen and took over the JCEP project.

Pembina was faced with significant headwinds in obtaining necessary permits. The Oregon Department of Environmental Quality (DEQ) did not receive a complete permit application and thus denied without prejudice a JCEP 401 water quality certification in May 2019. Pembina withdrew its application for a removal-fill permit from the Oregon Department of State Lands in January 2020 after Oregon State Lands Director Vicki Walker rejected Pembina's request for an extension on its permit, which the company first filed in November 2017. The Oregon Department of Land Conservation and Development (DLCD) denied the Coastal Zone Management Act (CZMA) certification for JCEP in February 2020 after concluding that the project was inconsistent with the state's coastal zone land use laws.

In March 2020, however, FERC approved the proposed JCEP export terminal. Unlike the 2016 denial, FERC decided that the deal struck to buy all the LNG terminal's capacity—essentially a deal Pembina made with itself—was sufficient to demonstrate a public need for the project. FERC's approval was conditioned on the company securing several crucial state permits, three of which had already been denied or withdrawn prior to the 2020 decision.

In April 2020, Pembina petitioned FERC to waive the requirement under the Natural Gas Act that it obtain a water quality certification from Oregon, arguing that the state failed to make a timely decision on that permit. DEQ opposed Pembina's petition, arguing that FERC does not have the power to overrule the state's authority to protect Oregon's coastal waters. In June 2020, the State of Oregon petitioned the U.S. Court of Appeals to overturn the FERC's approval of JCEP. With this the state joined Tribal governments, landowners, and conservation groups in asking the Court to require a new hearing on FERC's order. FERC upheld its March 2020 approval and denied requests for rehearing.

Local permit needs also played a role in the JCEP project. In July 2020, Oregon's Land Use Board of Appeals (LUBA) reversed the City of North Bend's approval of a

permit to transport dredge spoils across the estuary. LUBA agreed that the City of North Bend's approval was inappropriate, reversing the approval completely rather than remanding the decision to the City. In December 2020, LUBA overturned Coos County's permits for the construction of JCEP's marine terminal and associated infrastructure. LUBA determined that the County erred in granting permits to dredge in Coos Bay and develop a gas pipeline, gas liquefaction, and shipping facilities on the North Spit of Coos Bay in the traditional lands of the Coos, Lower Umpqua and Siuslaw Indians. The decision highlighted concerns related to interference with public trust rights and the treatment and discharge of wastewater to an ocean outfall.

In February 2021, the U.S. Secretary of Commerce rejected Pembina's request to override the State of Oregon's February 2020 denial of the CZMA federal consistency review. The decision noted the insufficiency of JCEP's appeal regarding the project's impacts on endangered and threatened species, cultural and historic resources, and the cumulative effects of the project over time.

In May 2021, LUBA overturned two local permit approvals, one by Coos County and one by the City of Coos Bay, that would have allowed major dredging in the bay. LUBA reversed these permits because the company had not justified why the areas to be dredged, which are designated for natural and conservation uses under the Coos Bay Estuary Management Plan and local zoning laws, should be converted to deep draft navigation.

In Dec 2021 JCEP filed a formal request asking FERC to cancel its permit for the project.

Previous Studies Pertaining to the Development of Cargo Terminals on the North Spit

Since 2002, the Port of Coos Bay has commissioned three studies to determine the feasibility of building a major cargo terminal on Coos Bay. Reports prepared by BST Associates (2002)[xxxii] and Parsons Brinkerhoff (2003)[xxxiii] examined the overall suitability of Coos Bay and the economic prospects and risks for such a project. The BST Associates study assessed the feasibility for 6 different cargo terminal configurations on Coos Bay. It noted the lack of ready access to Class 1 railroads, the great distance from fast, efficient highway transportation on Interstate 5, and a lack of nearby markets with large population/industrial centers to use the volume of cargoes landed at a Coos Bay terminal. The study pointed to an inability of the Coos Bay region's small towns and cities to absorb significant imported bulk and breakbulk products (cargo that does not fit in a standard shipping container) or produce significant volumes for export. Overall, the study viewed those projects as carrying high risks to success. The study, while not specifically designed to focus on a container terminal, also discounted the opportunity for a successful container facility operation on Coos Bay.

The Parsons Brinckerhoff 2003 analysis examined cargo facilities of varying cargo types and volumes to assess the likelihood of financial success. Their conclusions were not encouraging regarding the success of a new public cargo terminal on Coos Bay, stating that it "involves a very high business risk." Absence of a clearly defined market, better positioned terminals already in the market, sharp price competition

among terminals, the footloose nature of shipping customers, terminal operator contracts that often prove to be short term, and the Port's lack of experience in cargo terminal operations were listed as deficiencies that pointed to a low probability of success.

A third study announced in 2017, and funded by a $50,000 grant from Business Oregon, was described as concentrating on evaluating the infrastructure needs and developing a cost analysis of a container terminal. The report from this study, undertaken by Stantec Consulting Services, has been requested by members of the community, but to date has not been made public by the Port. The conditions and prospects for economic success also do not appear to have been examined in this third study. Several Port officials over the years have sought to minimize those studies as not specifically pertaining to a top-tier container terminal, but the conditions that led to those study conclusions, most specifically identified in the BST study, remain fully present today.

Two New Proposals for Port Activities on the North Spit

Intermodal Container Port. In 2021, the Port of Coos Bay and North Point Development entered into a memorandum of understanding for the potential lease of 220 acres of Port property at the southern end of the port's North Spit property for an intermodal container terminal intended to move approximately 1 million 40-foot shipping containers (TEUs) into and out of the Port via the rail line and connect to the major Class I rail network in Eugene, some 130 miles away. As of yet there are no publicly available detailed plans for the terminal footprint, but the conceptual drawings of proposed site development and location show that development would require significant dredging and fill activities in the Coos estuary to accommodate the proposal (Fig. 4a; 4b).

Fig. 4a. Conceptual diagram of an intermodal container terminal on the North Spit of Coos Bay.

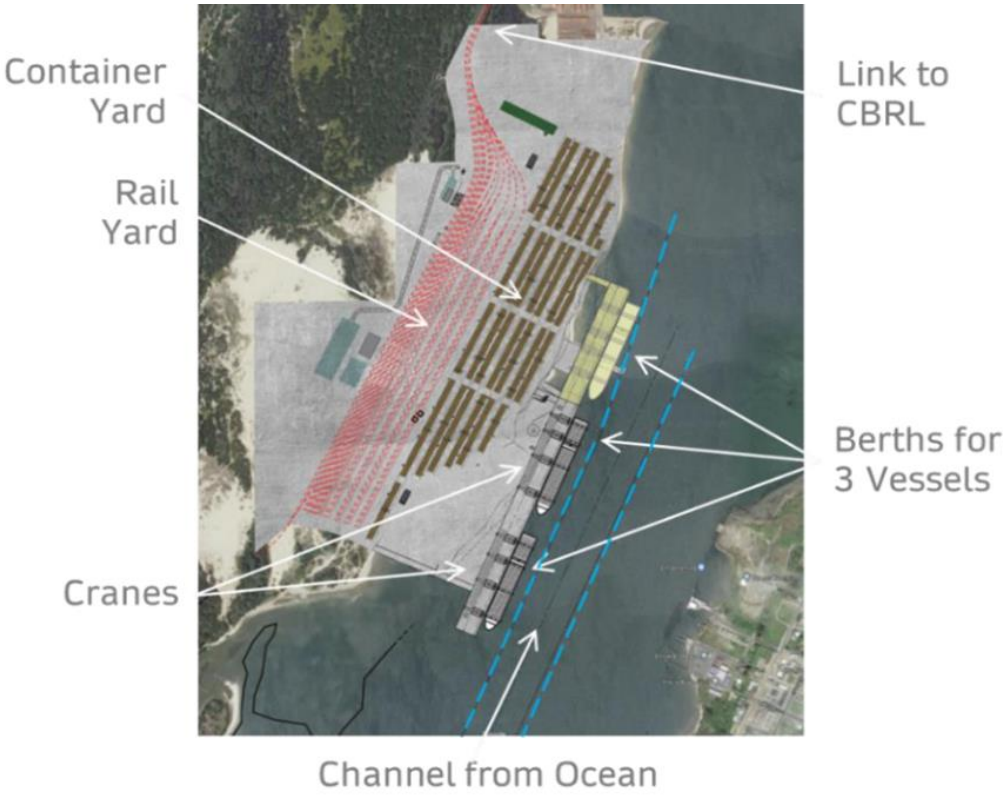

Fig. 4b. Conceptual layout for ship and rail yard of an intermodal container terminal on the North Spit of Coos Bay.

To accommodate container ships that can carry up to 13,000 containers, the Port proposes a plan to increase the size of the Federal Navigation channel up to the railroad bridge that crosses Coos Bay from a depth of 37 ft to 45 ft and a width of 300 ft to 450 ft. The total volume of material to be dredged would be about 15.5 million cubic yards. The dredged material would be placed offshore within two new single-use disposal sites created specifically for this project.

The project is projected to cost almost $2 billion. In 2022 the Port submitted a $1,240,797,072 proposal to the U.S. Department of Transportation to fund the channel expansion and railroad upgrades necessary for the project. The request for the channel modifications was $459,974,690, of which $258,227,000 was to blast and remove rock in the lower reaches of the bay. In order for a project to be selected for these awards, it must meet five statutory requirements. The Port's application was not funded as two requirements were not met. The Port failed to show that the applicant had, or would have, sufficient legal, financial and technical capacity to conduct the project (49 USC 6701(f)) and it was unclear whether the project would be cost effective.

Offshore Wind Port. In February 2022, the Port released a document titled "Coos Bay Offshore Wind Port Infrastructure Study." The study was funded in part by the Oregon State Lottery Bond and administered by the Oregon Business Development Department. The study was commissioned by TotalEnergies Simply Blue Energy US to identify the constraints, opportunities, needs and planning-level costs required to provide suitable Port infrastructure for supporting a future floating offshore wind

installation. The study's analysis of the Port of Coos Bay shows that with significant investments in the channel and waterfront facilities, the Port could be modified to support a variety of activities related to the floating offshore wind industry.

Fig. 5. Conceptual Drawing of Coos Bay Wind Port at Jordan Cove, Coos Bay North Spit.

As with the container terminal, expansion of the federal navigation channel would be required. The report suggests that an increase of the channel width from 300 to 450 ft would likely support the smaller size range of floating turbine foundations (~200-250ft), but additional widening of the channel would be required to support larger foundations. The depths of the existing (37ft) and proposed (45 ft) channels would likely be sufficient to support 10-20MW WTGs turbines, though towing might be limited to higher tide levels. Costs to expand the navigation channel and construct all new purpose-built waterfront facilities and laydown areas were estimated to total around $475 million.[xxxiv]

The Port-Owned Coos Bay Rail Line as Connection to Larger Markets

The region has been served for more than 100 years by a 134-mile rail line originally engineered to carry coal and lumber from the region to markets in the Willamette Valley. In September 2007, the Central Oregon & Pacific and its owners and management embargoed (closed) the rail line with one day's notice to shippers. Recognizing the impact of the rail line closure on local business, the Port of Coos Bay entered into negotiations with state and elected officials and the owners to acquire the railroad and reopen this shipping option. The Port filed a feeder line application with Surface Transportation Board (STB), resulting in the railroad immediately filing an action to abandon the line. The Port spent one year and $1.5 million in legal fees pursuing the application and defending against abandonment. The Port of Coos Bay acquired the freight rail line in 2009–10, following an STB

decision. The sales totaled $16.6 million, with the Port utilizing a $4.6 million state loan and $12 million reallocated from the Coos Bay Rail Bridge repair fund. Since then, the Port has applied for and successfully received state and federal funding to rehabilitate the line.

Conditions on the 100-year-old, 134-mile-long Coos Bay Rail Line between Coos Bay and Eugene make it a challenge to maintain. The Coast Range is especially vulnerable to slides and erosion, as it has relatively soft marine sedimentary rocks that overlie basalt, and the frequency of slides and erosion is high and well known. Landslides are one of the most common and most devastating geohazards in Oregon and contribute more than $10 million in economic losses every year.[xxxv] Slides blocking the rail line are not unusual.

In 2012, the Port hired the engineering firm Stantec to perform an engineering inspection limited to the bridges on the CBRL, make recommendations for repairs, and develop a management program for bridge maintenance to serve its mission at that time. A Port spokesperson recently indicated that a new engineering inspection is planned as part of an overall assessment of upgrades needed to perform the transportation role required to move the projected container throughput of the Coos Bay facility. We look forward to reviewing a comprehensive document completed by a railway engineering firm.

Connecting the Rail Line with a Container Facility. The logistics of connecting the existing rail line with a large container port and the 2 million TEUs volume of cargo proposed are not clear. The Port has, according to a spokesperson during an interview, put about $100 million dollars[xxxvi] into various repairs over the past 10 years, including the Coos Bay swing span bridge and others of the 121 bridges (mostly wooden) needing immediate attention, as well as making repairs to tracks, ties, and collapsing tunnels[xxxvii]—all to be able to restart the rail line in 2011 and achieve a 10–15 mph average train speed to Eugene.

The most recent of many swing span bridge repairs was reported Feb.14, 2023. An emergency was declared and Legacy Contracting, Inc. was awarded an emergency repair contract for $319,749.71 to return the bridge to service.[xxxviii] Preceding this in October 2022, a report was received that several hangers between spans of the swing span bridge were detached, presenting an emergency situation requiring closure. An emergency contract was let to Scott Partney Construction which began repairs Oct. 25, finishing Nov. 30, 2022, at a cost of $651,447, restoring the bridge to service.[xxxix]

The Port states that to transport containers offloaded at the proposed terminal, the CBRL plans to run 6 trains, each with 200 cars double stacked with containers, to Eugene daily, and then run 6 trains, each with 200 cars, back to Coos Bay the same day. These numbers would total to 1,200 train cars carrying 4,800 TEUs into Eugene and 1,200 train cars, either unloaded or loaded with containers of products for export or empty containers, back to Coos Bay every day.

The proposed container port would require all train cargo to be handled in Eugene, and the logistics of loading and unloading are complex. Gene Seroka, Executive

Director of the Port of Los Angeles and member of President Biden's summit to address supply chain shortages, recently said that repositioning an empty container from major hubs like Los Angeles or Chicago to more rural locations "can be very expensive and time consuming."[xl] Questions remain regarding how the logistics of infrastructure and operational costs for the Eugene end would be handled. Eugene has also had issues for years with the nearly two dozen trains passing through downtown daily, including noise complaints. An application for a federally authorized Quiet Zone to address the noise issue has been suspended for years due to an inability to reach agreement with Union Pacific Railroad. Adding a dozen large trains daily to Eugene's rail traffic would likely add significantly to that problem.[xli]

The 121 bridges along that rail line are mostly wooden and need attention. There are at least 240 railway crossings, and only 14 are signalized.[xlii] Most tunnels would need to be modified to carry the double-height loads that are proposed. Western Oregon is a land of forests, lakes, rivers and mountains and the terrain for the railroad is challenging.

The location of the proposed intermodal terminal is constrained by the North Spit's narrow shape and overall limited space, as the neighboring properties include a privately owned large lumber company operation to the north of the proposed terminal site and federal ownership to the south and the west.[xliii] The partnership has not demonstrated that it has found a solution to these constraints, nor has it identified an operator with the capacity to manage such a terminal. North Point LLC is a developer, and the Port has no experience with container logistics.

Dredging and Navigation Channel Expansion Efforts

Plans by the Port to develop business enterprises have consistently included expanding the depth and width of the Federal Navigation Channel. The rationale for this action is to permit larger vessels to enter Coos Bay safely. Below is a chronology of the efforts over the past two decades to accomplish this task. To date no expansion has been authorized by the Army Corps of Engineers.

The 2007 session of the Oregon legislature passed SB 21, which authorized the State Treasurer, at the request of Economic and Community Development Department, to issue $60 million in lottery bonds to cover expenses of the Coos Bay Channel Project. Passage of the bill created a Coos Bay Channel Fund that continuously appropriates money to pay expenses and bond-related costs related to deepening and widening the lower portion of Coos Bay's federal navigation channel. The initial funds were to be dispersed over the course of three fiscal biennia. The appropriations for the 2007–09 biennium were $5 million, with $10 million for the 2009–11 biennium and $45 million for the 2011–13 biennium.[xliv]

In January 2008, the Port entered into an arrangement with the USACE for its guidance related to analyzing and evaluating the potential for channel modifications in Coos Bay under Section 203 of the Water Resources and Development Act of 1986. The Port's contractor, David Evans and Associates, hosted a public open house related to the Port's proposed plans for the channel expansion. The analysis considered whether the lower channel from the jetties to the railroad bridge should be deepened from 37 to 51 feet and widened from 300 to 500 feet. The port

indicated that if all went according to plan, the decision on whether to move ahead with the dredging would be made by August 2009, with the paperwork seeking a money match landing on Congress's desk. Subsequent to these actions the proposal was withdrawn, and no environmental impact statement (EIS) was developed for this project.[xlv]

With the passage of HB 2278 in 2015, the Oregon Legislature appropriated $60 million in lottery funds to pay the nonfederal cost share, or the nonprivate cost share of dredging associated with expansion of the navigation channel in Coos Bay in anticipation that the shipping company Maersk would be developing a container terminal in Coos Bay. The project did not materialize.[xlvi]

In 2016, as planning for JCEP continued, the Port executed an Amendment, Assignment, Assumption and Consent Agreement for consulting services for the Channel Modification Project to transfer from David Evans and Associates (DEA) to David Miller & Associates (DMA). Funding was provided through the Port's reimbursement agreement with Jordan Cove, but the work was to be directed by the Port. Throughout 2018 the channel modification services team continued to work. The 2018 annual budget for the project was $4,482,864. The work included a Harbor Simulation modeling conducted at the USACE National Deep Draft Navigation Planning Center of Expertise in Mobile Alabama. These studies have a shelf life of 3–5 years, so they are now already out of date. Other work budgeted for 2018 was related to engineering design and environmental and regulatory compliance matters and work on the project's Environmental Impact Statement.

In 2019 Port of Coos Bay CEO John Burns appeared before the Ways and Means subcommittee on Capital Construction with a request to further extend the fiscal support for navigation channel expansion studies and construction into the 2019–21 biennium, stating, "full funding for the final $40 million-dollar allocation to support construction this biennium is imperative." The funds requested were intended to support the expansion of the existing channel from less than 37 ft depth and 300 ft width to less than 45 ft depth and 450 ft width from the channel entrance to river mile 8.2. Burns concluded his appeal by stating that the channel modification project was "necessary to accommodate the growing global fleet." The authorization, originally approved in 2007, indicated that the channel expansion work would be completed by 2009. The testimony by Mr. Burns before the subcommittee in 2019 indicated that the final EIS for the navigation channel expansion was scheduled for completion in the last quarter of 2020 and construction of the channel expansion project would have nearly concluded by 2023. This has not happened. The State appropriated $15 million in lottery funds as a result of this request. As a result of the COVID-related decline in lottery dollars, the funds were not released, but a request by John Burns to include it in the State's 2021 budget was granted.[xlvii]

In December 2021 JCEP decided against construction of the LNG terminal in Coos Bay. The Port's plans for the channel expansion, however, continue with the potential for an intermodal container terminal or offshore wind infrastructure on the North Spit. The Federal Permitting Infrastructure Projects Dashboard shows that Section 408/204(f) Channel Modification for Coos Bay has been on pause since 2020.[xlviii]

The Port continues to execute the earlier 2016 Amendment, Assignment, Assumption and Consent Agreement for consulting services for the Channel Modification Project from David Evans and Associates (DEA) to David Miller & Associates (DMA). In June 2022 Task Order DMA #16 in the amount of $4,264,881 was issued describing tasks to be undertaken during FY 2022–23, along with projected costs including work on the project's EIS. A shift in the primary beneficiaries of the project requires the Port to conduct a new economic feasibility study to include the proposed container terminal and Roseburg Forest Products. Funding for this Task Order was provided by the $15 million grant that was passed by the Oregon legislature in the spring of 2022.

Developments in the Upper Bay and on the East Side

The Port-owned Upper Bay properties that have some type of development include Tyree Oil, the Dolphin Terminal, the Orcas Dock and the Citrus Dock on the east side of the Coos Bay Channel, and the newly acquired Georgia Pacific property that the Port purchased in January 2022 and renamed Terminal 1 (not shown on the 2015 Fig. 5).

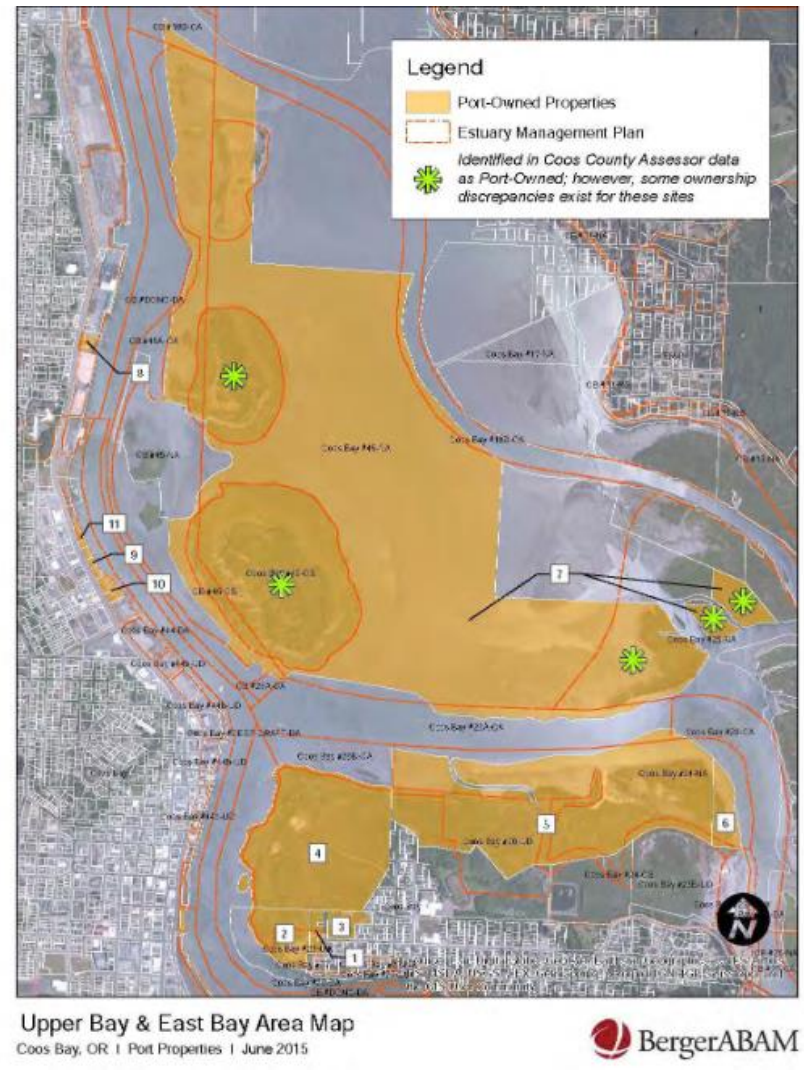

Fig 5. Upper Coos Bay Port properties as of 2015.

Tyree Oil has leased the property since November 2000, and it is largely used as a truck transfer facility. The Dolphin Terminal is located at channel mile 13.1. The Terminal was previously a log ship mooring and loading facility and has not been used since the early 1990s. The Orcas Dock, leased from the Port, is home to the U.S. Coast Guard Cutter *Orcas*. The Citrus Dock is a large pier structure with one building and is currently unoccupied. The additional Upper Bay properties are tide flats or dredge spoil islands in the middle of the bay. in 2021 the Port purchased the Hub Building in Coos Bay for $2,850,000 to be used as its administrative offices and leases to several tenants.

The East Bay properties are composed largely of vacant vegetated land. They were previously used for disposal of dredge material. The land is adjacent to the Coos Bay School and its Millicoma Marsh trail system. The City of Coos Bay leases seven acres from the Port for the Eastside Boat Launch located on the Isthmus Slough.

Terminal 1 was purchased for $8,250,000 with an overall expected project cost of $14,608,000. Representative Wright and Senator Anderson both agreed to spend $2 million each from the funds they received in 2021 as a result of HB 5006. This bill appropriated money from the Coronavirus State Fiscal Recovery Fund to give all state senators $4 million and State Representatives $2 million to allocate to projects in their district. The remainder of the funds were a loan from Business Oregon Infrastructure Financing Authority Special Public Works Fund (IFA Loan).

Fig. 6. Photos of Terminal 1 site in upper bay.

The Terminal 1 property is approximately 167 acres, of which 100 acres is usable while the remainder is wetlands. It is adjacent to the federal navigation channel and is served by the rail line. As of yet no business has been identified as a user of the property. The Port says it may attract shipping by rail of both dry and liquid bulk.

Because of a non-compete agreement, it is not possible to make timber products at the facility.

Port of Coos Bay Operations in Charleston

The Port has three assets in Charleston: a shipyard, a marina complex, and an RV Park (Fig 7). In 2013 the Port updated the 2007 Charleston Marina Complex Vision and Master Plan.[xlix] Significant projects completed before the update included construction of Boat Basin Drive sidewalks and bioswales, creation of a paddle craft launch at the Distant Water fleet dock, replacement of B-Dock, and upgrades to marina roads and facilities. The 2013 plan details a number of short- and long-term projects. The 2013 report indicates that approximately 78 percent of harbor operations and maintenance is funded from operating revenues received from property leases, vessel moorage, storage fees and ice plant sales. The other 22 percent of operational costs are funded by property tax revenues derived from the Port District.

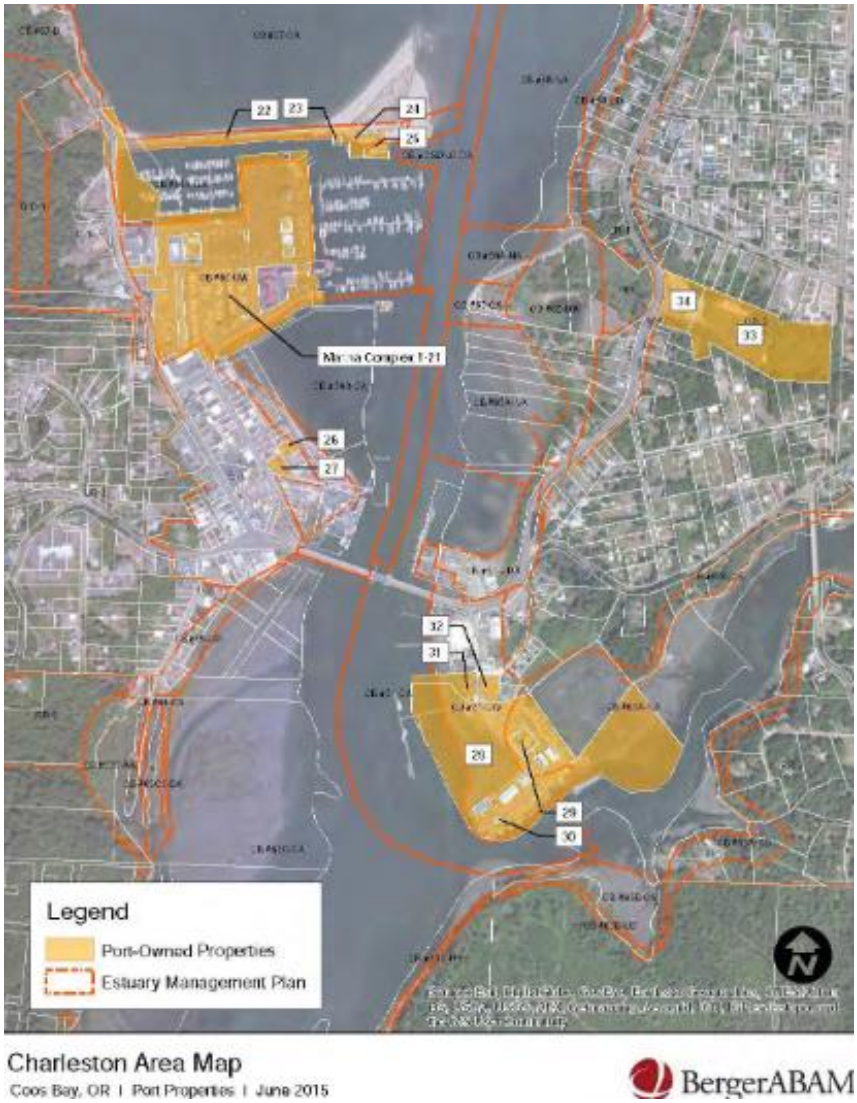

Fig. 7. Charleston area with Port owned properties in yellow.

Since 2015 the Port has invested $11,895,127 in Charleston Marina infrastructure projects. The State requires an update to a Port master plan every 10 years. At the

next update, the Charleston Master Plan will be incorporated into the Port's Strategic Business Plan update and will no longer be a separate plan.

The Port Commissioners established a Charleston Advisory Committee in 2003. They advise the Port Commission on developing strategies and guidelines for projects and issues concerning the Port's Charleston assets. The seven-member committee meets quarterly, and its minutes are posted on the Port's website. In July 2022, the port distributed surveys to a contact list of approximately 550 Charleston stakeholders representing specific groups, including the Commercial Fleet, Recreational Fleet, RV Park customers, and Shipyard customers. The intent of the survey was to solicit feedback regarding the most critical infrastructure in Charleston as well as recommendations for future infrastructure investment.

The Charleston Shipyard site was purchased by the Port in 1986. It is an active shipyard located on the north bank of the confluence of the Joe Ney Slough and South Slough. The Port owns the site property and leases it for vessel storage and to commercial tenants to provide repair, maintenance, and construction services to an active commercial fishing fleet (Fig 7).

The shipyard features

- An upland vessel area for do-it-yourself vessel repair projects.
- An upland vessel storage area where a number of vessels were abandoned and in poor repair. The cost to dispose of 22 abandoned vessels was estimated at $100,000. In April 2022, the port identified a contractor to destroy and dispose of these vessels. This occurred in August 2022. There is a waiting list of customers to get into the Shipyard to store their vessels.
- Easy access work docks.
- A 100-ton travel lift that can accommodate vessels up to 20 tons. The lift was purchased in 2017 by the Port with a $600,000 loan from the Oregon Infrastructure Finance Authority. Recent discussions at Port work sessions indicate there are approximately 20 boats in Charleston harbor that exceed this weight.
- A 200-ton marine ways constructed in the early 1980s, currently leased by Giddings Boat Works. The ways was upgraded in 2010 but the Port recently discussed the need for further repair and expansion for this facility. The estimate for this work is $4,000,000.
- A 7.5-ton forklift.

Three commercial tenants are located on Port property:

- Giddings Boat Works, steel repair and fabrication
- Tarheel Aluminum Inc., steel and aluminum repair and fabrication
- Skallerud Marine Services, structural repairs, carpentry and electrical construction and repair to wood and fiberglass vessels

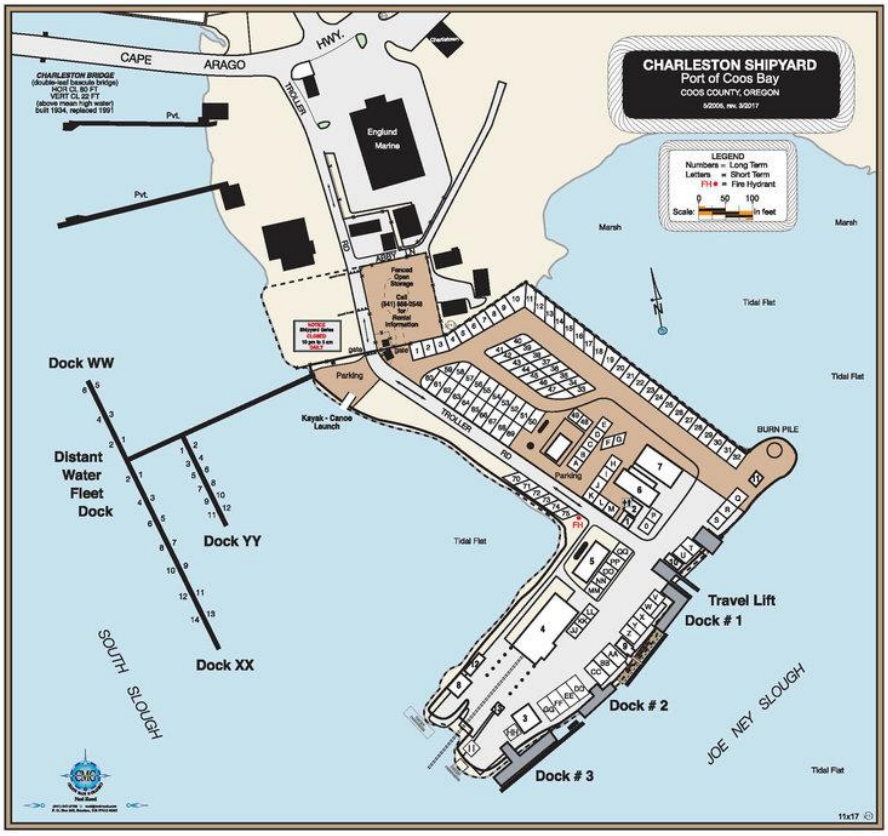

Fig. 8. Charleston Shipyard docks and travel lift.

As part of a long-term consent order issued in 1999 by the Oregon Department of Environmental Quality (DEQ) to the Port under ORS 465.260 and to meet Oregon 1200Z General Industrial Stormwater Permit requirements, in 2018 the Port made a number of site enhancements to the shipyard to better control stormwater discharge. They included regrading and curbing to control runoff and improving the stormwater collection system. The stormwater is collected in two 21,000-gallon storage tanks. From there, it is pumped to a stormwater filtration system designed to remove hydrocarbons, using activated carbon, as well as metals and solids using chitosan enhanced sand filtration and chelated metal removal systems. Once the water is treated, it is discharged into South Slough. Replacement of the media in the filtration tanks occurs at five-year intervals and costs $122,000. With the completion of this project DEQ issued a certificate of completion indicating that the Port had satisfactorily completed the work required under the consent order.

The Charleston Marina Complex consists of

- 443 boat moorage slips in the inner and outer boat basins used by commercial and recreational vessels.
- Docks at the Distant Water Fleet in South Slough, south of the Charleston Bridge.
- A six-lane boat launch ramp.
- Boat washing station.
- Storage units.
- Bathrooms and shower facilities.

- Fish cleaning stations.
- Dry storage.
- An RV Park.

Steve Bawn is the current Charleston Marina Manager. As of 2023 the Port has 16 full-time employees at the Marina and help from the management and administrative staff in Coos Bay. The FY 2022–23 budget shows operating revenues of $2,673,152, operating expenses of $2,332,376, debt service of $390,288 and personnel expenses budgeted in other departments of $597,299. The net result is a negative balance of $646,741. There is an extensive unfunded “need to repair” list. A maintenance plan outlines infrastructure projects and costs. The estimated total for all repairs is $7,101,088.

Since the 2007 Master Plan, the Port has expanded its footprint in the Charleston community by acquiring the following property and infrastructure:

- Title to and operation of the ice plant.
- Title to Basin Tackle and Basin Café buildings.
- Addition of a yurt and 2 RV spaces in the RV Park.
- 0.63 acre on Charleston Avenue.
- 0.55 acre on Troller Road next to the Shipyard entrance.

The marina has an average 48 percent occupancy on a month-to-month basis. In 2022 revenue for vessel moorage was $823,745 and the estimated priority repair cost for marina projects was $1,913,950 dollars.

Until recently the Port had to assume responsibility for vessels that sank in the marina if the owner was uninsured and did not have the means to have the vessel hauled out. For example, in January 2022 the MV *Gypsy Artist* sank while tied up at the Distant Water Fleet dock. The cost to the Port was just under $60,000 to remove the vessel. Beginning July 1, 2022, the Port Commission’s Ordinance 147 went into effect, which requires vessels that use the Charleston marina and Distant Water Fleet docks to have marine liability insurance for wreckage and hazardous substance spills.

The Port operates and manages the state-owned swing ladder suction dredge the *Laura* and her tender, the *Ms. SoCo*, a 30-foot twin outboard vessel equipped with a 1-ton crane dredge purchased in 2015 with $2,000,000 in state funds through Business Oregon. The state purchased the dredge to help reduce the cost of dredging in areas such as boat slips and marinas, which are not dredged by the Army Corps of Engineers. The dredge operates in five of Oregon’s smaller ports. In 2020–21 Port crews removed about 14,000 cubic yards of sediment at a cost of $186,000 from the channel in front of the fish processing plant in the Point Adams Building and the Charleston fuel dock. There is currently discussion to conduct a feasibility study to determine whether the federal government, under Section 107 of the Continuing Authorities Act undertaken by the U.S. Army Corps of Engineers, could take over dredging of the navigation channel from the beginning of Pt. Adams to the boat ramp. The cost of the study is $600,000, of which the Port must pay $200,000. The study will take about two years and the Corps has initial funding to

start the study. Under this act the Port would be responsible for 10 percent of the dredging cost.

The Port has an ordinance requiring anyone who wishes to live aboard a boat as a primary residence in the marina to obtain a permit. There are no current permits. It is permissible for a crew to stay on board a vessel while working on the vessel.

The Marina Complex is also home to several seafood buying and processing facilities. In February 2018, the Port sold its property at 90363 Guano Rock Lane to Dulcich Realty LLC. The Port purchased the building and property in 1984 for $150,000. The Port intended to utilize the building as workshop space for staff at the Charleston Marina as well as storage for the State of Oregon's dredge, the *Laura* and the *Ms. SoCo*. Upon review and inspection, it was determined that the cost to bring the building up to a condition that would meet the Port's needs was prohibitive (in excess of $100,000). The building had remained vacant for more than one year without a prospective tenant and was therefore deemed to be surplus to the Port's needs. The parties negotiated a sale/purchase agreement in the amount of $400,000.

Because of increased regulatory requirements in wastewater treatment and disposal, seafood processors throughout Oregon have been working to develop solutions to ensure compliance. In 2022 the Port received a $50,000 grant from Business Oregon through the Port Planning and Marketing program to fund a feasibility study intended to evaluate opportunities to construct a multi-user byproduct recovery center on Port property in Charleston. West Coast Seafood Processors Association provided $25,000 of matching funds. The proposed multi-user facility will treat wastewater from individual seafood processing facilities and recover organic material in a way that will allow it to be reused as opposed to being disposed of in a landfill.

Other Port assets in the Marina include storage units, which are fully occupied and a steady source of revenue. There is a waiting list of six to eight people for these units at all times. A new ice dock, to replace one that burned, came online in December 2020. Revenues from ice sales are currently not projected to provide the Port with funds as the price of ice is $91 per ton, and it costs the Port about $132 per ton to make it. The RV Park has 100 full-service sites with electricity, water, sewer, satellite TV, three family-size yurts, a rec Room/Clubhouse area, restrooms/showers and a laundromat (Fig 9). During the peak season, the RV Park is at about 98 percent occupancy and during the winter season it is at about 20 percent. The 2022 revenue for RV Park space rents was $476,320 and the estimated priority repair cost for this facility is $71,600.

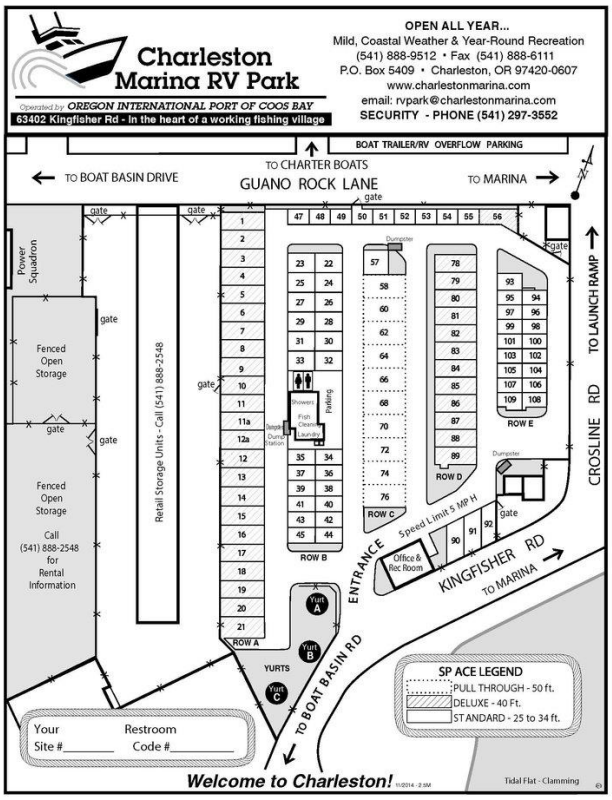

Fig 9. The Charleston Marina RV Park sites and layout.

Environmental Stewardship Goals and Considerations

The Port's 2012 Strategic Planning Guiding Principles are available on its website and the principles include the goal of integrating environmental stewardship into all strategic planning and business decision making. According to its website the Port adopted green policies in 2009. It maintains "clean marina" and "clean shipyard" certifications from the Oregon State Marine Board (OSMB) and implements the OSMB's best management practices at the Charleston Marina and boatyard. In addition to the existing environmental policies, the Port follows goals, policies, and strategies that are set in its Strategic Business Plan to assist the Port in maintaining its commitment to sound environmental stewardship. The website indicates that the Port reviews and updates these policies and practices to ensure compliance with current environmental regulations and to balance economic development opportunities with regional sustainability.

The Port website indicates that it collaborates with local representatives to address environmental concerns and engage community input as needed for special projects. It indicates that it shares resources, funds, and opportunities with local and regional partners as appropriate to achieve common environmental goals and projects, and that practices are in place to prevent and reduce waste whenever possible in daily operations. It states that the Port has broad goals of reducing water use, protecting air quality and increasing energy efficiency.[I]

A further topic addressed on the Port website is Community Engagement. The Port indicates that it partners with stakeholders, clients and community partners that share the Port's green values and work on projects to further environmental

sustainability in Port operations. It says Port staff are encouraged to be responsible, green corporate citizens. There is no information available on the website about Tribal consultations or other interactions with named parties. The Port of Coos Bay holds a seat on the South Slough National Estuary Research Reserve Management Commission, although this role is not apparent on the website. Our study committee identifies other institutions that have environmental relevance and are stakeholders in the region have a focus on research, management and education that support the local economy, and those institutions could engage in synergistic efforts to secure a resilient future. During the course of this study, scant reference to any of the following within planning documents, or in Port monthly meetings, reports or other communications:

- University of Oregon's Institute of Marine Biology (OIMB)
- Southwest Oregon Community College (SWOCC)
- Coos Watershed Association (CWA)
- Oregon Sea Grant (OSG)
- U.S. Forest Service (USFS)
- Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (USFWS)
- Two federally recognized Tribes: Confederated Coos, Lower Umpqua and Siuslaw Indians (CTCLUSI), and Coquille Tribe

The Coos Bay estuary is the largest estuary within Oregon. Although wetlands cover only 1 percent of the Earth's surface, they store 20 percent of global organic carbon and have carbon sequestration rates that greatly exceed those of oceanic and forest ecosystems. Restoration of salt marshes, seagrass meadows, native oyster beds, and swamp forests in Coos Bay would reduce the need to dredge, reduce the risks of flooding and sea level rise, increase carbon sequestration, provide an increase in the food-producing capacity of the system, aid in the restoration of the Indigenous cultural heritage, and provide recreational activities. Investment in collaborations and studies by local organizations and agencies such as SSNERR, OIMB, CWA, SWOCC, Tribes, BLM, and USFS would contribute to identifying and implementing useful restoration techniques.

The Coos Bay estuary and associated coastal resources in this region are a valuable resource for recreation in addition to their role in environmental protection and restoration. The BLM administered lands include 709 acres that are classified as an Area of Critical Environmental Concern (ACEC) and the remainder are designated as Recreation Management Areas (RMAs). Close to the intermodal container project site is the North Spit Trail System, which is approximately 300 feet from the Trans-Pacific Parkway. Data from 2019 show more than 6,000 people travel annually on the sand road to the North Jetty. The southern boundary of the Oregon Dunes National Recreation Area (ODNRA) is located on the North Spit, across the Trans-Pacific Parkway, and the Horsfall Campground is located nearby. The Forest Service identified 1.6 million visits annually to the Siuslaw National Forest and a quarter of visitors engage in off-highway vehicle trips. There are frequent rally activities with large numbers of visitors on the other side of the recreation area, where off-road vehicles are prohibited. There are bike trails, water trails, and many recreational assets that are near and associated with the general area of this facility (Fig. 10)

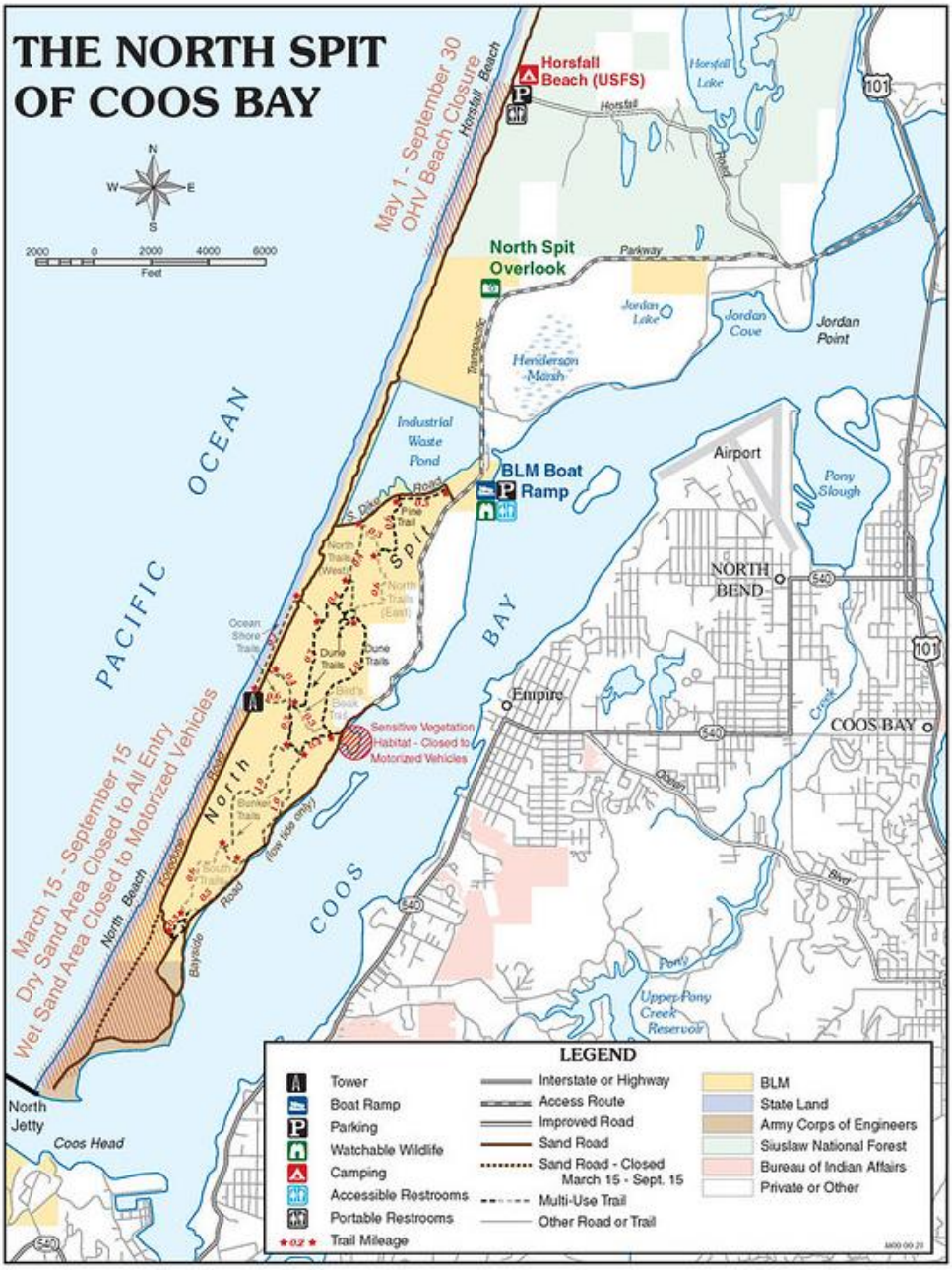

Fig 10. Map of the Federal ownership areas of the North Spit and recreational sites.

The Coos Bay area is an important port for commercial fishing and the third largest working waterfront on the Oregon Coast. The recreational fishing industry in Oregon has broad-scale economic impact and is tied to trips out of regional bays. Recreational angling for finfish contributes substantially to coastal economies. The commercial fisheries and working waterfronts are essential sources of jobs and economic growth, according to the Oregon Coastal Zone Management Association (OCZMA), which conducts studies of Oregon's coastal economy and provides information to an extensive network of government and other agencies, aiming to improve the region's standard of living. "Fisheries also provide part of the overall ambience folks want to experience when visiting the Oregon coast or opting to live there. They help attract artists, writers and others, including a growing number of retirees, who in turn make their own contributions to an ever-changing diverse

economy and culture. Travelers spend time watching and photographing the fishing fleets, and visitors often show up at the coast seeking fresh, locally caught seafood."[li]

Conflicts with Container Development on the North Spit

There are concerns among recreational and commercial fishing and other communities of interest that the operational impacts of ships entering, loading, and moving in and out of the slip and Federal Navigation Channel would introduce nearly constant, permanent disruptions to other uses of the area by humans or wildlife. The proposed region for ship berths is a major area for shellfish harvesting and monitoring conducted by the Oregon Department of Fish and Wildlife. The recreational crab fishery would be among those most vulnerable and affected by the traffic in the navigation zone. The public access for hunting and access to open-water areas is focused on the BLM launch located near the proposed site. Many residents and visitors walk with their families and pets along the tidal areas. In addition to the shellfish using the benthos, these areas support large beds of eelgrass that provide essential fish habitat. The importance of native eelgrass in estuarine systems cannot be overstated. Faunal communities inhabiting eelgrass beds are comprised of organisms that occupy multiple trophic levels.[lii] The proposed dredging of the estuary needed for this project to be successful would disrupt the critical habitat of federally protected aquatic species, including Coho Salmon and Green Sturgeon. Indian tribes, NOAA Fisheries, and the State of Oregon have worked hard to restore the salmon populations in the south coast region. Coos Bay is considered part of the critical habitat for the threatened distinct population of Green Sturgeon and provides important summer habitat for subadult and adult Green Sturgeon. According to the NOAA plan for recovery of sturgeon, "dredging, urbanization (resulting in pollution and increased peak flows), commercial shipping" are threats to recovery.[liii]

Proponents describe the terminal project as being friendly to the environment, promising dockside electrical service so ships would not need to run auxiliary engines for ship's power while in port, thereby reducing air pollution. Cutting truck transportation out of the supply chain from the Port is also said to reduce climate-impacting emissions. But the environmental costs of the project would be high, from the hardening of the estuary shoreline to the dredging that would be ordered to allow deep-draft container carriers to call at Coos Bay. Dredging the Coos Bay navigational channel from 37 feet to 45 feet deep and from 300 feet to 450 feet wide will have broad impacts in the estuary environment and on the expanding contributions of tourism and recreation on the Coos Bay regional economy that depend on the bay's environmental quality. A survey of shipping industry media suggests that pressure for further dredging will only grow, as nationwide, channel deepening is a prime strategy in many ports' responses to correct container port congestion. Launch of the new dredging project to deepen the San Pedro Bay shipping channel to 80 feet by the Ports of L.A. and Long Beach is aimed to accommodate the trend to ever-larger container carriers that currently transport up to 24,000 TEUs.[liv] It is conceivable that the lower 8.2 miles of Coos Bay, where so much of the recreational activity on Coos Bay is enjoyed, could be converted into a biologically impaired canal for the transit of big ships.

Coos Bay with the Pacific Ocean adjacent to the Bay is also an area of active seismic events. The Port posts a document of mitigation recommendations resulting from the 2021 Coos County Community Hazard Survey, which was conducted as

part of the 2021 Coos County Multi-Jurisdictional Natural Hazards Mitigation Plan update. Risks and mitigation actions include a number of elements to address risks of earthquake, tsunami, wildfire and floods.[lv] Among these suggested mitigations is "Prevent critical infrastructure, hazardous facilities, public buildings from being built in the tsunami inundation zones." As shown on page 12, most industrial sites on the North Spit are within a tsunami inundation zone. The underlying geology of the Coos estuary and surrounding watershed results from the tectonic interactions between the Pacific, Gorda, Juan de Fuca, and North American (i.e., North American continent) tectonic plates, and oceanic spreading from two ridges (Juan de Fuca and Gorda) as detailed by Rumrill (2006).[lvi] The actions of a tsunami following a subduction zone event in an estuary such as Coos Bay will be repeated wave events back and forth, upstream and downstream causing longer and more damaging events.[lvii]

Auditing and Oversight of Special Districts

The website for the Port of Coos Bay shows annual fiscal year audits starting from 2017–2018. Moss Adams LLP in Medford, Oregon have performed these audits. The auditors check that the Port has followed generally accepted accounting principles. Auditors do not critique goals, performance, or do an overall risk assessment. However, the reports are comprehensive and detail revenues, expenses, awards, and debt service.

The Port is able apply for loans through the Oregon Business Development Department Loans program. As of fiscal year ended June 30, 2022, the Port had a long-term debt of $20.4 million principal and $6.6 million interest for a total of $27 million. Information on four recent larger loans is shown below:

1) The Port purchased Terminal 1 for an overall expected project cost of $14.6 million. It took out a loan from Oregon Business Development for $8,250,000 for the land acquisition. It then received $4,000,000 from monies delivered to the State of Oregon for COVID-19 coronavirus state and local fiscal recovery funds. It used this grant to pay down almost half of the loan. Annual loan payments (over 25 years) for the remainder of this acquisition loan ($4.25 million) will commence following completion of the construction project which is expected to occur in Nov. 2024. The Port also received a Federal Department of Transportation Maritime Admin. Build 2018 grant of $4.6 million in fiscal 2021–2022 to perform the construction portion of the project. It did not take long-term loans to cover other miscellaneous costs to cover environmental assessment, engineering/architecture work, legal fees, etc.

2) The Port received a 20-year Oregon Business Development Loan for the purchase of the Hub Building and has begun paying about $187,000 per year on that loan. Original issue: $2,895,000 and when paid off (including interest) $3,558,893.

3) The Port received a 25-year loan for the Ice House rebuild. Original issue $6,000,000 and when paid off $7,628,466.

4) The Port has a 20-year loan for Kitsap Dept Refunding. Original issue $7,610,000 and when paid off $9,157,581.

SUMMARY OF POLICY REVIEW AND CRITERIA

The LWV, Coos County, held three public meetings of members to inform members and review the findings of the study. The three presentations by the study team were recorded and are available on the League's YouTube Channel.

- Overview and preliminary findings: January 22, 2022, https://youtu.be/z8FuS0yh-GU
- Updated findings, and discussion: January 21, 2023. https://youtu.be/4US0zWEjK4A
- Final study findings and highlights: April 22, 2023, https://youtu.be/Q8a_yIoE84w

A draft final report was made available for members following the final study findings. The board reviewed and approved the updated position on May 2, 2023, and the membership approved and adopted the following at their annual meeting on May 13, 2023.

2023 International Port of Coos Bay Study Update Findings

In the conduct of business, the Oregon International Port of Coos Bay Commission and staff should:

1. **Be a leader in cooperation among governmental jurisdictions.**

2. **Accurately assess and plan for future needs.**

3. **Rigorously examine the financial solvency of Port users seeking public funding.**

4. **Put overall public interests ahead of special interests and be transparent in all aspects of decision making.**

5. **Be deliberate in the development of an adequate budget and in the practice of sound business.**

6. **Employ adequately trained staff to accomplish all mandated responsibilities.**

7. **Develop an adequate process through which commissioners and staff receive and are responsive to input and assistance from the public such as via Port advisory committees. Make maximum use of technical knowledge, planning and implementation expertise.**

8. **Use the mandated powers to their maximum in order to bring economic and environmental benefit to the district. Encourage and support uses**

of Port assets that increase the total disposable income to the community without compromising existing elements of the local economy.

9. **In planning and decision-making processes, use current scientific research and best practices.**

10. **Incorporate climate change, seismic risks, and other natural hazard risk analysis adaptation and mitigation into all planning.**

11. **Engage regional Tribes in all planning activities and establish goals that enhance the protection and understanding of Indigenous cultural heritage.**

12. **Share plans for the management of Port assets that articulate a desired future condition shaped by a consideration of appropriate financial, social, and environmental factors.**

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We dedicate our study to the memory of Jody (Osier) McCaffree (May 26, 1960 ~October 30, 2022). Jody was a “tenacious fighter that founded her passion for activism purely on integrity. Jody always presented the facts, told the truth, followed the law, believed in standing up for the little guy and doing the right thing. Her dedication and passion to stand up for the things she believed in will forever remain unmatched.”

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